

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

VLV ASSOCIATES, INC.,

Plaintiff,

v.

BECTON, DICKINSON AND COMPANY,

Defendant.

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: CIVIL ACTION NO. 12-2476 (ES)
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: **ADMINISTRATIVE**
: **STAY/TERMINATION ON**
: **CONSENT**
:
:

This matter having been opened to the Court on the joint application of Carella, Byrne, Cecchi, Olstein, Brody & Agnello (Dennis F. Gleason and Francis C. Hand), attorneys for plaintiff VLV Associates, Inc. ("VLV") and McCarter & English, LLP (John E. Flaherty) attorneys for defendant Becton, Dickinson and Company ("Becton Dickinson"), to administratively stay/terminate the action on consent; and the parties having represented to the Court that this is an action for infringement of U.S. Pat. No. 6,669,221 ("the '221 patent"); and the parties having further represented to the Court that on August 12, 2010, Becton Dickinson filed a request for *inter partes* reexamination of the '221 patent with the United States Patent and Trademark Office ("PTO") citing several published documents as raising a substantial new question of patentability with respect to all the claims of the '221 patent; and the parties having further represented to the Court that the Reexamination Request of Becton Dickinson was granted and a Reexamination proceeding was commenced wherein the United States Patent Examiner assigned to conduct the Reexamination has rejected all the claims of the '221 patent; and

the parties having further represented to the Court that VLV has taken an appeal from the rejection by the Patent Examiner to the Board of Patent Appeals and Interferences ("BPAI") of the PTO to have the Examiner's rejection of the claims reversed and that the Appeal has been docketed to the BPAI as of December 28, 2011; and the parties having represented to the Court the prosecution of this action should await a final determination of the PTO; and the Court having considered the submission of the parties; and for good cause shown:

It is on this 13th day June 2012

ORDERED:

1. This action is administratively stayed/terminated during the pendency of a final determination of the patentability by the PTO of the '221 patent and all appeals. The termination, on the consent of the parties, preserves the respective rights of the parties and tolls any applicable statute of limitations. Following a final determination after all appeals, either party may reinstate the action.
2. The Court retains jurisdiction.
3. In the event this matter is reinstated, and subject to further order of the Court, Defendant shall have 14 days from the date of said reinstatement to file an Answer or otherwise respond to the complaint.

CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO

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Dated: June 11, 2012

By:  

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Dated: June 11, 2012

By: 

John E. Flaherty

Attorneys for defendant
Becton, Dickinson and Company


Esther Salas, U.S.D.J.